

SENATE BILL NO. 703

BY SENATOR PETERSON

1 AN ACT

2 To enact R.S. 33:9091.16, a bill relative to Orleans Parish; to create the Broadmoor
3 Neighborhood Improvement District; to provide for district boundaries, purpose,
4 governance, and funding, including the levy of a parcel fee; to provide relative to the
5 powers and duties of the district and its governing board; and to provide for related
6 matters.

7 Notice of intention to introduce this Act has been published.

8 Be it enacted by the Legislature of Louisiana:

9 Section 1. R.S. 33:9091.16 is hereby enacted to read as follows:

10 **§9091.16. Broadmoor Neighborhood Improvement District**

11 **A. Creation. There is hereby created within the parish of Orleans, as**
12 **more specifically provided in Subsection B of this Section, a body politic and**
13 **corporate which shall be known as the Broadmoor Neighborhood Improvement**
14 **District, referred to in this Section as the "district". The district shall be a**
15 **political subdivision of the state as defined in the Constitution of Louisiana.**

16 **B. Boundaries. The district shall be composed of that area within and**
17 **including the following perimeter streets and avenues: beginning at the**
18 **intersection of Nashville Ave. and S. Claiborne Ave. proceeding along Nashville**
19 **Ave. to its intersection with Fontainebleau Dr., along Fontainebleau Dr. to its**
20 **intersection with Octavia St., along Octavia St. to its intersection with S.**
21 **Jefferson Davis Parkway, along S. Jefferson Davis Parkway to its intersection**
22 **with Washington Ave., then along Washington Ave. to where it turns into**
23 **Toledano St. and then along Toledano St. to its intersection with S. Claiborne**

1 Ave. and back to the intersection of S. Claiborne Ave. and Nashville Ave.

2 C. Purpose. The district is established for the purpose of promoting
3 quality of life initiatives of the Broadmoor Improvement Association (BIA) that
4 cater to residents living in the area included within the district and encouraging
5 the beautification and overall benefit of the district as defined in the
6 Redevelopment Plan for Broadmoor.

7 D. Governance. (1) The district shall be governed by the nine-member
8 BIA board, referred to in this Section as the "board".

9 (2)(a) Three board members shall be elected from each subgroup of the
10 district.

11 (b) Elections will occur as provided in the district's bylaws.

12 (3)(a) Board members shall serve two-year terms.

13 (b) Any vacancy which occurs prior to the expiration of the terms for a
14 board member shall be filled for the remainder of the unexpired term in the
15 same manner as the original election. Board members shall be eligible for
16 reelection.

17 (4) The board shall elect from its members a chairman, a vice chairman,
18 a secretary-treasurer, and such other officers as it may deem necessary. The
19 duties of the officers shall be fixed by the bylaws adopted by the board.

20 (5) The minute books and archives of the district shall be maintained by
21 the secretary-treasurer of the board. The monies, funds, and accounts of the
22 district shall be in the official custody of the board.

23 (6) The board shall adopt such rules, regulations, and bylaws as it deems
24 necessary or advisable for conducting its business affairs. Rules and regulations
25 of the board relative to the notice and conduct of meetings shall conform to
26 applicable law, including R.S. 42:4.1 et seq., relative to open meetings. The board
27 shall hold regular meetings as shall be provided for in the bylaws and may hold
28 special meetings at such times and places within the district as may be prescribed
29 in the bylaws.

30 (7) A majority of the members of the board shall constitute a quorum for

1 the transaction of business. The board shall keep minutes of all meetings and
2 shall make them available through the secretary-treasurer of the board.

3 (8) Each member of the board shall have one vote, and the vote of a
4 majority of the members of the board present and voting, a quorum being
5 present, shall be required to decide any question upon which the board takes
6 action.

7 (9) The members of the board shall serve without compensation but shall
8 be reimbursed for their reasonable out-of-pocket expenses directly related to the
9 governance of the district.

10 E. Powers and duties. The district, acting through its board, shall have the
11 following powers and duties:

12 (1) To sue and be sued.

13 (2) To adopt, use, and alter at will a corporate seal.

14 (3) To receive and expend funds collected pursuant to Subsection F of this
15 Section and in accordance with a budget adopted as provided by Subsection H
16 of this Section.

17 (4) To enter into contracts with individuals or entities, private or public.

18 (5) To provide or enhance security patrols in the district, to provide for
19 improved lighting, signage, or matters relating to the security of the district, to
20 provide for the beautification of and improvements for the district, or to provide
21 generally for the overall betterment of the district as outlined in the Broadmoor
22 Redevelopment Plan.

23 (6) To enter into contracts and agreements with one or more other
24 districts for the joint security, improvement, or betterment of all participating
25 districts.

26 (7) To provide for such services and make such expenditures as the board
27 deems proper for the upkeep of the district.

28 (8) To acquire or lease items and supplies which the board deems
29 instrumental to achieving the purposes of the district.

30 (9) To acquire, lease, insure, and sell real property within the boundaries

1 of the district in accordance with district plans.

2 (10) To procure and maintain liability insurance against any personal or
3 legal liability of a board member that may be asserted or incurred based upon
4 his service as a member of the board or that may arise as a result of his actions
5 taken within the scope and discharge of his duties as a member of the board.

6 (11) To perform or have performed any other function or activity
7 necessary or appropriate to carry out the purposes of the district or for the
8 overall betterment of the district.

9 F. Parcel fee. The governing authority of the city of New Orleans is
10 hereby authorized to impose and collect a parcel fee within the district subject
11 to and in accordance with the provisions of this Subsection. For purposes of this
12 Section, a parcel is defined as a lot, a subdivided portion of ground, or an
13 individual tract.

14 (1) The amount of the fee shall be as requested by duly adopted resolution
15 of the board. The fee shall be a flat fee per improved parcel of land not to exceed
16 one hundred dollars per year for each parcel. No fee shall be imposed upon any
17 parcel whose owner qualifies for the special assessment level provided by Article
18 VII, Section 18(G)(1) of the Constitution of Louisiana.

19 (2)(b) The owner of each parcel located within the district shall be
20 responsible for payment of the fee.

21 (3)(a) The fee shall be imposed only after the question of its imposition
22 has been approved by a majority of the registered voters of the district who vote
23 on the proposition at an election held for that purpose in accordance with the
24 Louisiana Election Code. The fee shall not be increased during the period of its
25 initial levy.

26 (b) The question of the imposition of the parcel fee shall be submitted to
27 the voters in a proposition at an election held for that purpose in accordance
28 with the Louisiana Election Code.

29 (c) If approved, the initial fee shall expire on December 31, 2015, but the
30 fee may be renewed if approved by a majority of the registered voters of the

1 district voting on the proposition at an election as provided in Subparagraph (a)
2 of this Paragraph. Any election to authorize the renewal of the fee shall be held
3 for that purpose in accordance with the Louisiana Election Code. If the fee is
4 renewed, the term of the imposition of the fee shall be as provided in the
5 proposition authorizing such renewal, not to exceed five years.

6 (4) The fee shall be collected at the same time and in the same manner as
7 ad valorem taxes on property subject to taxation by the city are collected.

8 (5) Any parcel fee which is unpaid shall be added to the tax rolls of the
9 city and shall be enforced with the same authority and subject to the same
10 penalties and procedures as unpaid ad valorem taxes.

11 (6)(a) The proceeds of the fee shall be used solely and exclusively for the
12 purpose and benefit of the district; however, the city may retain one percent of
13 the amount collected as a collection fee.

14 (b) The city of New Orleans shall remit to the district all amounts
15 collected not more than thirty days after collection.

16 G. Additional contributions. The district is authorized to solicit and
17 accept additional voluntary contributions and grants to further the purposes of
18 the district.

19 H. Budget. (1) The board shall adopt an annual budget in accordance
20 with the Louisiana Local Government Budget Act, R.S. 39:1301 et seq.

21 (2) The district shall be subject to audit by the legislative auditor
22 pursuant to R.S. 24:513.

23 I. Miscellaneous. (1) It is the purpose and intent of this Section that any
24 additional services or betterments provided by the district shall be supplemental
25 to and not be in lieu of personnel and services to be provided in the district by
26 the state or the city of New Orleans or their departments or agencies or by other
27 political subdivisions.

28 (2) The district may perform or have performed any other function or
29 activity necessary for the achievement of its primary objective of encouraging
30 the beautification, security, and overall betterment of the area included within

1 the district as outlined in the Broadmoor Redevelopment Plan.

2 J. Dissolution. (1) The district may be dissolved after the question of its
3 dissolution has been approved by a majority of the registered voters of the
4 district voting on the proposition at a regularly scheduled election conducted in
5 accordance with the provisions of the Louisiana Election Code. The question
6 may be placed on the ballot only after it has been approved by the affirmative
7 vote of not less than five members of the district board.

8 (2) If and when the district ceases to exist:

9 (a) All funds of the district shall be transmitted by the board to the BIA
10 and such funds, together with any other funds collected by the city of New
11 Orleans pursuant to this Section, shall be maintained by the BIA and shall be
12 used only for law enforcement, security, improvement, and beautification
13 purposes of the district.

14 (b) The authority for the imposition of the parcel fee provided in this
15 Section shall cease.

16 K. Indemnification and exculpation. (1) The district shall indemnify its
17 officers and board members to the fullest extent permitted by R.S. 12:227, as
18 fully as if the district were a nonprofit corporation governed thereby, and as may
19 be provided in the district's bylaws.

20 (2) No board member or officer of the district shall be liable to the district
21 or to any individual who resides, owns property, visits, or otherwise conducts
22 business in the district for monetary damages for breach of his duties as a board
23 member or officer, provided that the foregoing provision shall not eliminate or
24 limit the liability of a board member or officer for any of the following:

25 (a) Acts or omissions not in good faith or which involve intentional
26 misconduct or a knowing violation of law.

27 (b) Any transaction from which he derived an improper personal benefit.

28 (3) To the fullest extent permitted by R.S. 9:2792 et seq., including R.S.
29 9:2792.1 through 2792.9, a person serving the district as a board member or
30 officer shall not be individually liable for any act or omission arising out of the

1 performance of his duties.

2 Section 2. This Act shall become effective on July 1, 2010.

PRESIDENT OF THE SENATE

SPEAKER OF THE HOUSE OF REPRESENTATIVES

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____